

Assembly Bill No. 2510

Passed the Assembly August 31, 2006

Chief Clerk of the Assembly

Passed the Senate August 30, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 11605 of, and to add Section 11605.1 to, the Health and Safety Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 2510, Lieu. Pupils: survey: harassment.

Existing law requires the Attorney General to conduct a biennial survey of drug and alcohol use among pupils enrolled in grades 7, 9, and 11, and to prepare and distribute a report on the findings of the survey, as specified.

This bill would require the survey to also assess the experiences of pupils with harassment and bullying, as specified, and school-based drug and alcohol prevention programs, and would permit the survey to include the assessment of other related topics. The bill would change the timing for the release of the findings of the survey from May to September of each even-numbered year. This bill would require the Attorney General to prepare and distribute a separate report focusing on bias-related discrimination and harassment incidents, as specified.

The bill would require the Attorney General, in collaboration with the State Department of Education, to submit a supplemental report to certain persons and entities, as specified, focusing on bias-related discrimination and harassment incidents disaggregated by race, ethnicity, gender, and sexual orientation, if funding is appropriated for this purpose in the annual Budget Act, another statute, or other source of funding provided or approved by the Legislature to cover the costs of the Attorney General. The bill would require the Attorney General to award to a qualifying entity a contract to prepare the supplemental report. The bill would require the contract to be awarded through a competitive request for proposal process, as specified. The bill would require the entity that is awarded the contract to, in preparing the supplemental report, to solicit input from community organizations that work in the areas of bias-related harassment and discrimination.

The people of the State of California do enact as follows:

SECTION 1. Section 11605 of the Health and Safety Code is amended to read:

11605. (a) The Attorney General, in consultation with other state agencies, shall conduct a biennial survey of drug and alcohol use and experience with harassment and bullying among pupils enrolled in grades 7, 9, and 11. The survey shall assess all of the following:

- (1) The frequency and type of substance abuse.
- (2) The age of first use and intoxication.
- (3) Pertinent attitudes and experiences of pupils.
- (4) The experience of pupils with school-based drug and alcohol prevention programs.

(5) The experience of pupils with harassment and bullying, including bias-related discrimination and harassment based on the characteristics set forth in Section 220 of the Education Code and Section 422.55 of the Penal Code.

(b) The survey also may assess any of the following:

(1) The frequency and type of harassment and bullying, including bias-related discrimination and harassment incidents, including, but not limited to, verbal harassment and physical assaults.

(2) The pupil's ability to report and frequency of reporting harassment and bullying, including bias-related discrimination and harassment incidents.

(3) The outcome of reporting harassment and bullying, including bias-related discrimination and harassment incidents.

(4) The risk factors associated with school dropouts.

(c) The biennial survey shall be based on a statewide sample of pupils enrolled in grades 7, 9, and 11 and shall be consistent with the surveys conducted by the office of the Attorney General in previous years.

(d) The Attorney General shall release the findings of the survey on or before September of each even-numbered year and shall prepare and distribute a report on the survey to the Legislature, the Governor, the Superintendent of Public Instruction, law enforcement agencies, school districts, and interested members of the general public.

(e) In conducting the survey, the Attorney General shall ensure that the confidentiality of participating school districts and pupils shall be maintained. Pupil questionnaires and answer sheets shall be exempt from the public disclosure requirements prescribed by Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

(f) Persons reporting data pursuant to the requirements of this article shall not be liable for damages in any action based upon the use or misuse of pupil surveys that are mailed or otherwise transmitted to the Attorney General, or his or her designee.

(g) The requirements prescribed by this article shall continue to be funded with the existing resources of the Attorney General, unless the Legislature specifically provides an appropriation for this purpose.

SEC. 2. Section 11605.1 is added to the Health and Safety Code, to read:

11605.1. (a) Subject to an appropriation for this purpose in the annual Budget Act, another statute, or other source of funding provided or approved by the Legislature to cover the costs of the Attorney General, the Attorney General, in collaboration with the State Department of Education, shall submit a supplemental report on or before December 31 of each even-numbered year analyzing the survey results pursuant to paragraph (4) of subdivision (a) of Section 11605 and with comparable data from the California Healthy Kids Survey prepared in accordance with Title IV of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6307 et seq.) shall be distributed to the Legislature, the Governor, the Superintendent of Public Instruction, law enforcement agencies, school districts, and, upon request, to members of the public. The supplemental report shall focus on bias-related discrimination and harassment incidents disaggregated by race, ethnicity, gender, and sexual orientation.

(b) The Attorney General shall award to a qualifying entity a contract to prepare the supplemental report required by subdivision (a). The entity shall be selected through a competitive request for proposal process. Criteria used to evaluate a proposal shall include, but not be limited to, the extent of experience and expertise in research on bias-related harassment and discrimination issues facing youth. In preparing the supplemental report, the entity shall solicit input from

community organizations that work in the areas of bias-related harassment and discrimination.

Approved _____, 2006

Governor